IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

WP(C).No. 23570 of 2006(E)

PETITIONER:

MOHAN KUMAR, S/O. NANU,
KUMBAZHETH, S.R.P. MARKET P.O.,
MANAPPALLY THEKKUM MURI, PAVUMBA VILLAGE,
KARUNAGAPPALLY.

BY ADV. SRI.K.RAVEENDRAN

RESPONDENTS:

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1. THE DEPUTY TRANSPORT COMMISSIONER,
THIRUVANANTHAPURAM.

2. THE REGIONAL TRANSPORT OFFICER, KOLLAM.

3. THE SUPERINTENDENT OF POLICE, KOLLAM.

4. THE SUPERINTENDENT OF POLICE, ALAPPUZHA.

5. THE DEPUTY SUPERINTENDENT OF POLICE,
CRIME DETACHMENT, KOLLAM.

6. THE ASHOK LEYLAND FINANCE LTD.,
REP. BY MANAGER, 1ST FLOOR, SHINUS COMPLEX,
IRON BRIDGE ROAD, KOLLAM.

7. M. MADHU, S/O. MADHAVAN,
NADALAYIL HOUSE, VALLIKUNNAM P.O., MAVELIKKARA,
ALAPPUZHA DISTRICT.

R1 TO 5 BY G.P. SMT.SMITHA
R7 BY ADV. SRI.K.V.GOPINATHAN NAIR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE LETTER DT.4.3.2006 ISSUED BY R2 TO THE PETITIONER.

P2: TRUE COPY OF ORDER IN C.C. NO.961/05 DT.16.7.2005 PASSED BY JUDICIAL I CLASS MAGISTRATE COURT, MAVELIKKARA.

P3: TRUE COPY OF PETITION DT.2.5.06 SUBMITTED BY PETITIONER BEFORE R1.

RESPONDENT'S EXHIBITS:

R7(a): TRUE COPY OF APPLICATION IN FORM NO.30 SUBMITTED BY R7 AND PETITIONER HEREIN DT.3.5.2001.

R7(b): TRUE COPY OF NO OBJECTION CERTIFICATE ISSUED BY FINANCIER DT.7.3.2001.

R7(c): TRUE COPY OF CLEARANCE CERTIFICATE ISSUED BY R.T.O., ALAPPUZHA DT.3.5.2001.

R7(d): TRUE COPY OF REGULAR PERMIT ISSUED TO R7 ON 25.7.2001.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 23570 OF 2006

Dated this the 27th day of March, 2007

JUDGMENT

The grievance of the petitioner is that 7th respondent manipulated records and got the petitioner's vehicle transferred in his name. Counsel for the 7th respondent submitted that he has RC book and permit in his favour, and is in possession of vehicle which he is operating. Petitioner's case is that 7th respondent is petitioner's son-in-law who was entrusted with the management of the vehicle and in the course of the same, he manipulated records in his favour. Having regard to the contentions raised, I feel an enquiry is called for by the higher authority with regard to transfer effected by the RTO in his capacity as such and as Secretary, RTA. In the circumstances, W.P. is disposed of with direction to the Transport Commissioner to call for the records, conduct enquiry after hearing both parties and order appropriate action, if required. Petitioner and 7th respondent will produce records called for by the Transport Commissioner in time. The Transport Commissioner will forward to the petitioner and 7th

respondent one copy of his report containing findings. If any reversal of records is required, he will issue instructions to the RTO.

(C.N.RAMACHANDRAN NAIR)
Judge